

**SEMINOLE COUNTY GOVERNMENT  
AGENDA MEMORANDUM**

**SUBJECT:** Public Hearing for Ordinance Amending Chapter 85 of the Seminole County Code.

**DEPARTMENT:** Public Safety

**DIVISION:** EMS Fire Rescue

**AUTHORIZED BY:** Tad Stone

**CONTACT:** Shelly Brubaker

**EXT:** 5000

**MOTION/RECOMMENDATION:**

Approve and authorize the Chairman to execute an ordinance amending Chapter 85 of the Seminole County Code.

County-wide

Tad Stone

**BACKGROUND:**

Due to changes in the Florida Statutes and Seminole County's organizational structure, there are substantial portions of Chapter 85 of the Seminole County Code that are incorrect and out of date. Proposed changes to Chapter 85 identify the responsible agencies and the authority having jurisdiction consistent with statutory requirements.

**STAFF RECOMMENDATION:**

Staff recommends that the Board approve and authorize the Chairman to execute an ordinance amending Chapter 85 of the Seminole County Code.

**ATTACHMENTS:**

1. Ordinance

**Additionally Reviewed By:**

- ☐ Budget Review ( Lisa Spriggs, Ryan Switzer )
- ☐ County Attorney Review ( Robert McMillan )

AN ORDINANCE PERTAINING TO FIRE SAFETY IN SEMINOLE COUNTY, FLORIDA; RENAMING CHAPTER 85 OF THE SEMINOLE COUNTY CODE TO THE "FIRE SAFETY CODE"; AMENDING SECTION 85.1; AMENDING EXISTING SECTION 85.2; CREATING A NEW SECTION 85.3 DESIGNATING THE FLORIDA FIRE PREVENTION CODE AS THE APPLICABLE FIRE CODE IN SEMINOLE COUNTY; DESIGNATING THE AUTHORITY HAVING JURISDICTION; REPEALING EXISTING SECTION 85.4 AND RENUMBERING SECTION 85.3 TO 85.4; AMENDING AND RENUMBERING SECTION 85.6 TO 85.5; REPEALING EXISTING SECTIONS 85.7, 85.8, 85.9, 85.10, 85.11, 85.12; AMENDING AND RENUMBERING SECTION 85.13 TO 85.6; REPEALING EXISTING SECTIONS 85.14, 85.15, 85.16, AND 85.17; PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AND EFFECTIVE DATE.

WHEREAS, recent changes in the Florida Statutes and in the Seminole County organizational system have resulted in rendering substantial portions of Chapter 85 of the Seminole County Code incorrect and out of date, and

WHEREAS, consolidation of fire services in many areas of Seminole County has resulted in additional inconsistencies in Chapter 85 which need correction,

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

**Section 1.** Chapter 85 of the Seminole County Code is amended as follows:

**Chapter 85. ~~Fire Prevention and Protection.~~ Fire Safety**  
**Code.**

**Section 85.1. Purpose.**

This Chapter shall be known as the "Seminole County Fire Safety Code". This Code is enacted for the purpose of regulating and preventing fire and life safety hazards in the County. ~~This Code shall be deemed an exercise of the police powers of the County of Seminole for the preservation and protection of the public health, peace, safety, and welfare, and all the provisions of the Seminole County Fire Safety Code shall be liberally construed for that purpose.~~

**Section 85.2. Scope.**

The provisions of the Seminole County Fire Safety Code shall be controlling within the limits of the unincorporated areas of Seminole County and within the limits of incorporated areas as determined by interlocal agreements between Seminole County and municipal corporations in Seminole County. ~~The provisions of this Code shall apply equally to both public and private property, and it shall apply to all structures and their occupancies except as otherwise noted.~~

**Section 85.3. Applicable Code.**

The Florida Fire Protection Code, (NFPA) 1, as adopted by the State Fire Marshal pursuant to Florida Statutes, Chapter 633 as amended from time to time is the applicable Fire Code within Seminole County.

**Section 85.3. 85.4. Enforcement.**

~~The Building Official of Seminole County or his or her designee shall be responsible for the enforcement of the Seminole County Fire Safety Code as set forth herein. The Building Official may appoint qualified members of his or her department as inspectors as shall from time to time be necessary.~~

The Fire Chief shall be responsible for the enforcement of the Seminole County Fire Safety Code and the laws and rules of the State Fire Marshal, as specified in Section 633.121, Florida Statutes or its successors, and shall be deemed the "authority having jurisdiction" as that term is defined in NFPA 1, the Uniform Fire Code.

**Section 85.4. Duties of the Development Review Division**

~~(a) It shall be the duty of the Development Review Division of the Planning and Development Department to enforce all laws and ordinances of Seminole County which deal directly or indirectly with the following:~~

- ~~(1) The Prevention of fires;~~
- ~~(2) The storage, sale and use of combustible, flammable or explosive materials;~~
- ~~(3) The installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;~~

~~(4) The maintenance and regulation of fire escapes,~~  
and

~~(5) The means and adequacy of exit in case of fire,~~  
~~from factories, private schools, hotels, lodging houses,~~  
~~asylums, hospitals, churches, halls, theaters,~~  
~~amphitheaters, and all other places in which numbers of~~  
~~persons work, live, or congregate, from time to time, for~~  
~~any purpose.~~

~~(b) The Development Review Division shall have such other~~  
~~powers and perform such other duties as are set forth in other~~  
~~sections of this Chapter, and may be conferred and imposed from~~  
~~time to time by law.~~

**~~Section 85.5. Reserved.~~**

**~~Section 85.6. 85.5. Investigation of Fires and Reports.~~**

~~The Technical Services Bureau of the Department of Public~~  
~~Safety shall investigate or cause to be investigated the cause,~~  
~~origin, and circumstances of every fire occurring in the~~  
~~unincorporated areas of Seminole County and in such incorporated~~  
~~areas as are required by municipal interlocal agreements which~~  
~~resulted in injuries or deaths or property damage or destruction~~  
~~and, so far as possible, shall determine whether the fire was~~  
~~the result of carelessness or design. Such investigations shall~~  
~~begin as soon as possible after the occurrence of such a fire.~~  
~~The Chief Fire Investigator or his or her assistants shall take~~

~~charge immediately of the physical evidence, shall notify the proper authorities designated by law to pursue the investigation of such matters, and shall further cooperate with the authorities in the collection of evidence and in the prosecution of the case. Every fire shall be reported to the Technical Services Bureau within five days after the occurrence of the same by the Fire Department Officer in whose jurisdiction such a fire has occurred. Such report shall be in such form as shall be prescribed by the Fire Chief of Seminole County and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, the insurance upon such property, and such other information as may be required, including, but not limited to, the injury, death, or rescue of persons. The Technical Services Bureau shall also be responsible for the maintenance of records pertaining to the cause of fires and fire loss records.~~

**~~Section 85.7. Issuance of Permits.~~**

~~Before permits may be issued as required by this Code, the Chief Fire Inspector or the Chief Fire Inspector's assistants shall inspect and approve the receptacles, processes, site, vehicles, buildings, equipment, or storage places to be used for any such purposes.~~

**~~Section 85.8. Periodic Inspections.~~**

~~The Chief Fire Inspector shall inspect or cause to be inspected any or all premises and shall make such orders as may be necessary for the enforcement of laws and ordinances governing the same and for the safeguarding of life and property from fire.~~

**~~Section 85.9. Compliance with Code.~~**

~~(a) If the Fire Chief declares an emergency situation, or determines that immediate code enforcement is required to correct an existing or potential hazard to the public health, safety or welfare or to remove or control an existing or potential hazard to the health or safety of emergency response personnel, he or she shall then have immediate authority over all Fire Prevention and Inspection and Code Enforcement services of the Development Review Division.~~

~~(b) Whenever any inspector shall find in any building, or upon any premises or other places, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of waste paper, boxes, shavings, or any highly flammable materials especially liable to fire, and which is so situated as to endanger life or property; or shall find obstructions to or on fire escapes, stairs, fire lanes, passageways, doors, or windows, liable to interfere with the operations of the fire department or egress of occupants in case~~

~~of fire, or shall find any other violation of this Code, the inspector shall order the same to be removed or remedied, and such order shall forthwith be complied with by the owner or occupant of such premises or buildings, subject to the appeals procedure provided for herein.~~

~~(c) Any owner or occupant failing to comply with such order within a reasonable period after the service of the order shall be subject to penalties as are hereinafter provided.~~

**~~Section 85.10. Service of Process.~~**

~~The service of any such order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, or leaving it with any person in charge of the premises, or by affixing a copy thereof in a conspicuous place on the door to the entrance of said premises. Whenever it may be necessary to serve such an order upon the owner of premises, such order may be served either by delivering to and leaving with the said person a copy of the said order, or, if such owner is absent from the jurisdiction of the officer making the order, by mailing such copy by certified mail to the owner's last known post office address. In the case of a corporation, service may be made upon the corporation's registered agent.~~



**~~Section 85.11. Record Keeping of All Fires.~~**

~~The Chief Fire Investigator shall compile and keep a records of all fires and of all facts concerning the same, including, but not limited to, injuries, deaths, rescue of persons, and statistics as to the extent of such fires and the damage caused thereby, and whether such losses were covered by insurance, and if so, in what amount. Such record shall be made within three working days from the reports made by the technical inspectors under the provisions of this Chapter.~~

**~~Section 85.12. Annual Report.~~**

~~The Building Official shall make an annual report of the activities of the Development Review Division pertaining to the Seminole County Fire Safety Code and shall transmit a copy of the report to the Director of the Department of Planning and Development or his designee and to the Director of the Department of Public Safety. The report shall contain a summary of all proceedings conducted under the Seminole County Fire Safety Code.~~

**~~Section 85.13. 85.6. Penalties.~~**

~~Any person who shall violate any of the provisions of the Code hereby adopted; or shall fail to comply therewith; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications, or plans submitted or approved thereunder or~~

shall operate in a manner not in accordance with the provisions of the certificate, permit, or approval issued thereunder, and from which no appeal has been taken; or who shall fail to comply with such an order as affirmed or modified by the ~~Building Official~~ Fire Chief or by a court of competent jurisdiction within the time fixed herein shall severally for each and every violation and noncompliance, respectively, be subject to the penalties set forth in Section 125.69(1), Florida Statutes, or its successor provision, to being the subject of a complaint before the Seminole County Code Enforcement Board, or to citation under the provisions of ~~Seminole County Ordinance No. 92-11~~ Section 53.28 Seminole County Code, or a combination thereof. The imposition of a penalty for a violation shall not excuse the violation nor shall the violation be permitted to continue. All persons found to be in violation shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, the application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

~~**Section 85.14. Adoption of the 1997 Standard Fire Prevention Code and the 1997 NFPA Standard 101.**~~

~~There is hereby adopted the 1997 Standard Fire Prevention Code as published by the Southern Building Code Congress International and the 1997 National Fire Protection Association~~

~~Standard 101 Life Safety Code and FAC 4A 40, published by the State Fire Marshall. Not less than one copy of the adopted issue of the Life Safety Code, NFPA 101, as published by the National Fire Protection Association 1997 Edition, and the Adopted Standards and Codes of the National Fire Protection Association shall be filed in the office of the Clerk of the Court and the provisions thereof shall be controlling within the limits of the unincorporated areas of Seminole County.~~

~~**Section 85.15. Reserved.**~~

~~**Section 85.16. Amendments to the 1994 Standard Fire Prevention Code.**~~

~~The 1997 Standard Fire Prevention Code, as published by the Southern Building Code Congress International, is hereby amended for the purpose of its applicability within Seminole County. The amended sections read in their entirety as follows:~~

~~(a) References to "Fire Official" in Section 102, 1997 Standard Fire Prevention Code, shall mean the Building Official.~~

~~(b) **SECTION 105 BOARD OF ADJUSTMENTS AND APPEALS,** is hereby amended to read:~~

~~**SECTION 105.**~~

~~**APPEALS PROCEDURES**~~

~~**105.1 Appointment,** is deleted.~~

~~**105.2.1** is amended to read:~~

~~**105.2.1 BOARD OF APPEALS**~~

~~(a) The Board of County Commissioners shall serve as the Board of Appeals. Whenever the Building Official or his or her designee denies an application or refuses to grant a permit which has been applied for and whenever an applicant claims that the provisions of the Fire Prevention Code do not apply or or have been incorrectly interpreted, the applicant may appeal the decision of the Building Official or his or her designee to the Board of County Commissioners within 30 days from the date of the decision. The Board shall pass upon the application of this Code as it affects the general public and shall act in the capacity as set forth in Section 553.73(8)(b), Florida Statutes, or its successor.~~

~~(b) Pending final decision of the Board of Appeals, the order of the Fire Official shall be stayed unless the Fire Chief determines that there is an immediate fire hazard to life or property.~~

~~(c) Conflicts between fire codes and building codes shall be resolved as set forth in Section 553.73(8)(a) through (e), Florida Statutes, or its successor.~~

~~**105.3 Decisions,** is deleted.~~

~~(c) **SECTION 202 DEFINITIONS.** The definition of "tent" is hereby amended to read:~~

~~**TENT** Any structure, enclosure or shelter, including three or more sides and over 900 square feet in area, constructed of~~

~~canvas or pliable material and supported by any manner except by air or the contents it protects; or any structure, enclosure or shelter constructed of canvas or pliable material used for assembly purposes regardless of the number of sides or square footage. Permits shall be required for all tents.~~

~~(d) **SECTION 503 FIRE REPORTING AND FALSE ALARMS,** is hereby amended as follows:~~

~~**503.2.5** is added to read:~~

~~**503.2.5 MAINTENANCE OF FIRE ALARM SYSTEMS.** The maintenance of fire alarm systems is the duty of the owner or occupant of the premises. All alarm systems shall be properly and appropriately maintained on a continuing basis. System malfunctions due to faulty maintenance shall not be grounds for an excused false alarm. False alarms attributable to power outages and/or power surges shall not be excusable.~~

~~**Section 85.17. Emergency Fire Prevention Measures.**~~

~~(a) Upon declaration of a state of emergency applicable to Seminole County by the Governor of the State of Florida due to increased risk of fire, or upon determination by the County Manager that an emergency fire condition exists in Seminole County, an Executive Order may be issued under the authority and in the manner provided in Chapter 72 of the Seminole County Code declaring a state of local fire prevention emergency, and ordering restrictions on open burning and the sale and use of~~

~~fireworks, novelties, trick noisemakers and sparklers, as defined in Section 791.01, Florida Statutes, and such other measures as may be deemed necessary to alleviate the imminent danger of fire in Seminole County. Said Executive Order shall remain in effect for the period of time as specified in the Order, not to exceed thirty (30) consecutive days, unless extended by further Executive Order.~~

~~(b) The Sheriff and other law enforcement officers, fire prevention and emergency personnel, and code enforcement officers shall, in connection with their duties imposed by statute and ordinance, enforce the provisions of this Section.~~

~~(c) Any person, firm, or corporation violating any provision of this Section, which shall be implemented by Executive Order issued pursuant to this Section, shall, upon conviction, be punished as provided in Section 125.69, Florida Statutes, as amended. A separate offense shall be deemed committed on each day during which a violation shall continue.~~

**Section 2. Codification.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Seminole County Code and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or relettered to accomplish such

intention; providing, however, that Sections 2, 3 and 4 shall not be codified.

**Section 3. Severability.** If any provision or application of this Ordinance is for any reason held invalid, such invalidity shall not affect the remaining provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

**Section 4. Effective date.** This Ordinance shall take effect upon filing a copy of this Ordinance with the Florida Department of State by the Clerk to the Board of County Commissioners.

**ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE  
Clerk to the Board of  
County Commissioners of  
Seminole County, Florida

\_\_\_\_\_  
BRENDA CAREY, Chairman

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